

State of South Dakota

EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

400M0289

SENATE BILL NO. 43

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to update certain provisions for the storage of explosive
2 materials.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-28A-10 be amended to read as follows:

5 49-28A-10. No person may store any hazardous materials or class ~~A, B or C~~ 1.1, 1.2, 1.3,
6 1.4, or 1.5 explosives, as outlined under 49 CFR 172, ~~January 1, 1991,~~ as amended through
7 January 1, 2006, in any storage facility unless the storage facility has placards warning of the
8 storage of hazardous or explosive materials. The placards at a storage facility shall be in plain
9 sight, shall be so located that a bullet passing through any of the placards will not strike the
10 storage facility, and may not be more than one hundred feet apart. The owner of any storage
11 facility storing hazardous or explosive material shall maintain shipping records on such
12 hazardous or explosive materials on the premises and shall provide ~~such~~ the shipping records
13 to any law enforcement agency or fire department upon demand. A violation of this section is
14 a Class 1 misdemeanor. For the purposes of this section, a storage facility is any enclosed
15 structure where materials are kept or warehoused.



1 The provisions of this section do not apply to a retail business establishment licensed under
2 the provisions of chapter 10-45, residential property, a storage shed on residential property or
3 any farm building, but only to warehouse facilities whose structure is separated from retail
4 establishments.